

Appl. No.: 09/852,438
Amdt. dated June 8, 2005
Reply to Final Office Action of April. 27, 2005

REMARKS

Claim Rejections Under 35 USC § 103(a)

Claims 1-19 are rejected under 35 U.S.C. §103(a) as being unpatentable over Krishnaswamy et al. (U.S. Patent No. 5,867,494) in view of Shaffer et al. (U.S. Patent No. 6,738,343). Applicant respectfully traverses.

1. Claim 1 Not Unpatentable Over Krishnaswamy In View Of Shaffer

Claim 1 is drawn to a system for controlling multimedia multipoint communication, comprising at least one multipoint processor unit in communication with a plurality of multimedia terminals for media information and in communication with a multipoint controller over H.248/Megaco protocol for interfacing the call signaling and the call control information between the multipoint controller and the terminals, wherein the multipoint controller is used to establish and control multipoint mixing of media.

Krishnaswamy relates to interconnecting the Internet with a communication network that includes telephony capability (col. 1, ll. 14-16). More specifically, telephone calls, data and other multimedia information such as audio and video are routed through a switched network that includes transfer of information across the internet (col. 1, ll. 25-29). Shaffer teaches an improved fault tolerant H.323 telecommunication system comprising redundancy supervisory layers that provide redundant call signaling and call control in direct signaling mode, while the primary connection uses gatekeeper routed signaling (col. 2, ll. 1-5).

First, the Examiner concedes that Krishnaswamy does not disclose any teaching related to using H.248/Megaco protocol as the communication protocol between a multipoint control unit and a multipoint processor in a multimedia system. However, the Examiner contends that Shaffer provides such a limitation. Applicant respectfully disagrees.

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Applicant submits that Shaffer does not teach or suggest a multipoint processor using H.248/Megaco protocol for interfacing information between a multipoint controller and a plurality of multimedia terminals. The rejection in the Final Office Action has relied upon a portion of the disclosure of Shaffer that states "the invention is equally applicable to any network in which separate media and signaling channels are used, such as ... MEGACO...." (col. 3, ll. 7-11). However, Shaffer's invention is not about a multipoint processor interfacing between a multipoint controller and a plurality of multimedia terminals. Rather, Shaffer's invention is about redundancy control units/redundancy supervisory layers that provide back up functions when call signaling with primary gatekeeper fails (*see* Abstract, Figures 3 and 5). Thus, Shaffer neither teaches anything related to multipoint processor interfacing, nor does Shaffer teach or suggest a multipoint processor using H.248/Megaco protocol for interfacing call signaling and call control information between a multipoint controller and a plurality of multimedia terminals as claimed herein.

Secondly, the Examiner contends that Krishnaswamy and Shaffer are analogous art because they present solutions for multimedia systems using media control unit to enable communications between terminals supporting different multimedia protocols. Applicant respectfully disagrees. As discussed above, Krishnaswamy only teaches interconnecting the Internet with a communication network that includes telephony capability. Krishnaswamy discloses a video-conferencing architecture comprising a multipoint control unit; however, Krishnaswamy does not provide any specific teaching on using a multipoint control unit to enable communications between terminals supporting different multimedia protocols. Similarly, Shaffer does not teach or suggest solutions for multimedia systems using a multipoint control unit to enable communications between terminals supporting different multimedia protocols. As discussed above, Shaffer only teaches fault tolerant H.323 telecommunication system comprising redundancy control units/redundancy supervisory layers that provide back up functions when call signaling with primary gatekeeper fails.

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Thirdly, the Examiner further contends that Krishnaswamy presents a multimedia communications architecture defining internetworking with other systems utilizing ITU recommendations; a person of ordinary skill in the art would recognize that H.248/Megaco is an ITU recommendation; and thus one of ordinary skill in the art would be motivated to make the system in Krishnaswamy work to accommodate the H.248/Megaco protocol. Applicant respectfully disagrees. Even if it is assumed that Krishnaswamy teaches internetworking with other systems utilizing ITU recommendations, Krishnaswamy does not teach or suggest utilizing H.248/Megaco protocol for interfacing call signaling and call control information between a multipoint controller and a plurality of multimedia terminals as claimed herein. Prior to the present invention, H.248 protocol was primarily used for gateway application. Thus, absent the present disclosure, there is a lack of teaching or suggestion to utilize multipoint processor using H.248/Megaco protocol for interfacing call signaling and call control information between a multipoint controller and a plurality of multimedia terminals as claimed herein.

Finally, even if it were appropriate to combine Krishnaswamy with Shaffer, which Applicant does not concede, the combination of Krishnaswamy with Shaffer still fails to disclose all of the limitations of claim 1. More specifically, Krishnaswamy together with Shaffer do not teach or suggest a system comprising at least one multipoint processor unit in communication with a plurality of multimedia terminals for media information and in communication with a multipoint controller over H.248/Megaco protocol for interfacing the call signaling and the call control information between the multipoint controller and the terminals, wherein the multipoint controller is used to establish and control multipoint mixing of media. As discussed above, Krishnaswamy does not disclose any teaching related to using H.248/Megaco protocol, and Shaffer does not teach or suggest a multipoint processor using H.248/Megaco protocol for interfacing information between a multipoint controller and a plurality of multimedia terminals. Consequently, Applicant submits that the combination of Krishnaswamy and Shaffer does not render claim 1 obvious because the combined cited references fail to disclose all of the claimed limitations. See MPEP §2143.03.

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2. Claim 9 Not Unpatentable Over Krishnaswamy In View Of Shaffer

Claim 9 is drawn to a system comprising a multipoint processor handling media information for multimedia terminals, the processor in communication with the controller over H.248/Megaco protocol and in communication with non-H.323 terminal, the processor interfacing call signaling and call control information between the controller and the non-H.323 terminal to establish and control multipoint mixing of media.

In view of the previously presented arguments, Applicant submits that Krishnaswamy together with Shaffer do not teach or suggest a system comprising a multipoint processor unit in communication with a controller over H.248/Megaco protocol and in communication with non-H.323 terminal, wherein the processor interfaces call signaling and call control information between the controller and the non-H.323 terminal to establish and control multipoint mixing of media. Consequently, Applicant submits that the combination of Krishnaswamy and Shaffer does not render claim 9 obvious because the combined cited references fail to disclose all of the claimed limitations. *See* MPEP §2143.03.

3. Claim 17 Not Unpatentable Over Krishnaswamy In View Of Shaffer

Claim 17 is drawn to a method of controlling multimedia multipoint communication between a plurality of multimedia terminals supporting different multimedia conferencing protocols, comprising interfacing call signaling and call control information between a multipoint controller and a non-H.323 terminal with a multipoint processor to establish and control multipoint mixing of media.

In view of the previously presented arguments, Applicant submits that Krishnaswamy together with Shaffer do not teach or suggest a method comprising interfacing call signaling and call control information between a multipoint controller and a non-H.323 terminal with a multipoint processor to establish and control multipoint mixing of media. Consequently, Applicant submits that the combination of Krishnaswamy and Shaffer does not render claim 17


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obvious because the combined cited references fail to disclose all of the claimed limitations. See MPEP §2143.03.

In view of the above remarks, Applicant submits that the Examiner has failed to establish a *prima facie* case of obviousness. In responding to the Examiner's prior art rejections, Applicant only justifies the patentability of the independent claims. Because these independent claims are patentable over the prior art, narrower dependent claims are also necessarily patentable. Accordingly, Applicant respectfully requests that the rejection of claims 1-19 under 35 U.S.C. §103(a) be withdrawn.

Respectfully submitted,

Date: 6-8-05



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